

REMARKS

This paper and attached declaration supplements a prior Response to Office Action submitted to the United States Patent and Trademark Office on June 2, 2004. In the Office Action, Claims 1-3, 5-6, 8-9, 11 and 13 were rejected as being unpatentable over a 1998 IEEE article authored by Gugler et al. in combination with one or more other references, including Koslar, Huemer et al., and Matsui. In response, applicants traversed the rejection by filing the declaration of inventor John A. Pinkney under Rule 131 disqualifying the Gugler et al. article (hereinafter "Gugler article") as prior art.

Attached herewith under 37 C.F.R. § 1.131 is the declaration of co-inventor Spence T. Nichols. As with Mr. Pinkney, Mr. Nichols confirms that the claimed subject matter was invented prior to the earliest effective date of the Gugler article. As evidence of their conception and reduction to practice of an embodiment of the claimed subject matter prior to October 1998, Mr. Nichols has included with his declaration a copy of an article titled "High-Speed DQPSK Chirp Spread Spectrum System for Indoor Wireless Applications," published in *Electronic Letters*, vol. 34, no. 20, pp. 1910-11, on October 1, 1998 (hereinafter the "*Electronics Letters* article"). The *Electronics Letters* article was also attached to the previously-filed declaration of Mr. Pinkney.

Mr. Nichols further confirms that, notwithstanding the authorship set forth in the *Electronics Letters* article, the subject matter claimed in the present application that is co-extensive with the *Electronics Letters* article was conceived solely by the inventors Pinkney and Nichols, and not by the other named co-authors of the *Electronics Letters* article.

Mr. Nichols also attests to the inventors' due diligence that followed their conception of the invention prior to October, 1998, to reduction to practice of the invention evidenced by the *Electronic Letters* article and also the filing of the present application on September 27, 1999.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

The inventors filed a corresponding patent application the same day in Canada under Application No. 2,283,598.

In view of the inventors' Rule 131 declarations and supporting evidence, the claim rejections based on the Gugler article should be withdrawn. The remaining references to Koslar, Huemer et al., and Matsui, whether considered separately or in combination, do not anticipate or render obvious the claimed invention.

CONCLUSION

Allowance of the application at an early date is respectfully requested. Should any issues remain that can be resolved by telephone, the Examiner is invited to contact applicants' attorney at the telephone number indicated below.

Respectfully submitted,

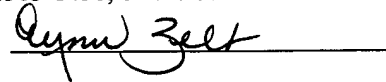
CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Kevan L. Morgan
Registration No. 42,015
Direct Dial No. 206.695.1712

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: July 1, 2004



KLM:ejh:lpz

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100